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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

Brenda K. Falkner

(Name of plaintiff or plaintiffs)

v.

CIVIL ACTION NO. 10205739

Hostess Brands, Inc.

(Name of defendant or defendants)

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff, Brenda K. Falkner
(name of plaintiff)

is a citizen of the United States and resides at 6790 Landing Way South #145
(street address)

Memphis
(city)

U.S.
(country)

TNN.
(state)

38115
(zip code)

901-314-9693
(telephone number)

3. Defendant Hostess Brands, Inc.
(defendant's name)

lives at, or its business is located at 400 Monroe Ave. 38103
(street address)

4. Plaintiff sought employment from the defendant or was employed by the defendant at

400 Monroe Ave. 38103
(street address)

Memphis U.S. TN 38103
(city) (country) (state) (zip code)

5. Defendant discriminated against plaintiff in the manner indicated in paragraph 9 of this complaint on or about 10 10 11

(day) (month) (year)

6. Defendant filed charges against the defendant with the Tennessee Fair Employment Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about

(day) (month) (year)

7. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about 7 11 11

(day) (month) (year)

8. The Equal Employment Opportunity Commission issued a Notice of Right to Sue, which was received by plaintiff on 29 3 12. (Attach a copy of the notice to this complaint.)

9. Because of plaintiff's (1) race, (2) color, (3) sex, (4) religion, (5) national origin, defendant

(a) failed to employ plaintiff.

(b) terminated plaintiff's employment.

(c) failed to promote plaintiff.

(d) _____

10. The circumstances under which defendant discriminated against plaintiff were as follows: *By terminating me, on false accusation of been observed hitting Mr. Angel Granulos an employer at the company (Hostess Brands,) which also started from getting numerical of write-up. These write up come from a work-former name Collin M. Adam. I felt when I told him, he was not going to talk to me any kind of way, told him am going to report to my supervisor, then stated to me then am going to keep giving you write-up every time you don't do what I tell you. I told my supervisor Mr. Kenneth Mosley. He responded by saying just leave it alone, because you are setting yourself up to be fired. He responded by saying when I am going over your head to the H.R. Dept. He also stated "I wish you would." I ask what do you mean he Kenneth Mosley my supervisor said what I said. On the 10-10-11 I was call into the office and given a 3 day suspension for falsely being late 10 min from break. Then when came back to work on 10-16-11 that's when I was told. Kenneth Mosley my supervisor said what I said. On the 10-10-11 I was call into the office and given a 3 day suspension for falsely being late 10 min from break. Then when came back to work on 10-16-11 that's when I was told.*

11. The acts set forth in paragraph 9 of this complaint *about the above accusations*

- (a) are still being committed by defendant.
- (b) are no longer being committed by defendant.
- (c) may still be being committed by defendant.

12. Please attach to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission, which are submitted as a brief statement of the facts supporting this complaint.

WHEREFORE. Plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) Defendant be directed to employ plaintiff, or
- (b) Defendant be directed to re-employ plaintiff, or
- (c) Defendant be directed to promote plaintiff, or
- (d) Defendant be directed to *file a right to sue under Federal law.*

and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

13. I would like to have my case tried by a jury. Yes No

Brenda K. Faulkner
SIGNATURE OF PLAINTIFF